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Masanori Amano

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EXAMINER

SIMONE, CATHERINE A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MASANORI AMANO and SATORU NISHIYAMA

Appeal 2008-0330
Application 10/765,899
Technology Center 1700

Decided: March 27, 2008

Before EDWARD C. KIMLIN, PETER F. KRATZ, and
JEFFREY T. SMITH, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

DECISION ON APPEAL

Statement of the Case

This is an appeal under 35 U.S.C. § 134 from a final rejection of claims 1-4. We have jurisdiction under 35 U.S.C. § 6.

Appellants' invention relates to a layer forming relief for printing thin layers such as an organic luminous layer in organic electroluminescence. An understanding of Appellants' invention can be gleaned from independent claim 1 which appears below:

1. A layer forming relief for transferring and printing an application fluid applied on printing convex portions on a printing object, the layer forming relief comprising the printing convex portions formed as linear strips, adjoining printing convex portions aligned to be parallel with each other with a prescribed space, and a plurality of micro-projections, formed into a truncated cone or in a cylinder, distributed on top faces of each of the printing convex portions so as to form a groove between adjoining micro-projections for retaining the application fluid.

The Examiner relies on the following references in rejecting the appealed subject matter:

Hasegawa	2002/0126247 A1	Sep. 12, 2002
Amano	JP 2002-293049	Oct. 09, 2002

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) over Hasegawa in view of Arnano.

We have thoroughly reviewed each of Appellants' arguments for patentability. However, we are in complete agreement with the Examiner that the claimed subject matter would have been obvious to one of ordinary skill in the art within the meaning of § 103 in view of the applied prior art. Accordingly, we sustain the Examiner's rejection.

Under 35 U.S.C. § 103, the factual inquiry into obviousness requires a determination of: (1) the scope and content of the prior art; (2) the differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966). "[A]nalysis [of whether the subject matter of a claim would have been obvious] need not seek out

precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.” *KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1740-41 (2007) quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006); *In re Bozek*, 416 F.2d 1385, 1390 (CCPA 1969) (“Having established that this knowledge was in the art, the examiner could then properly rely, as put forth by the solicitor, on a conclusion of obviousness ‘from common knowledge and common sense of the person of ordinary skill in the art without any specific hint or suggestion in a particular reference.’”); *In re Hoeschele*, 406 F.2d 1403, 1406-07 (CCPA 1969) (“[I]t is proper to take into account not only specific teachings of the references but also the inferences which one skilled in the art would reasonably be expected to draw therefrom . . .”).

Appellants have not set forth an argument that is reasonably specific to any particular claim on appeal. Accordingly, all the appealed claims stand or fall together with claim 1.

The claims stand rejected over Hasegawa in view of Amano. The Examiner contends that Hasegawa describes a layer forming relief for transferring and printing an application fluid applied on printing convex portions on a printing object that differs from the claimed invention in the shape of the micro-projections (119). The Examiner contends that Amano teaches that it is well known in the art to have a layer forming relief including micro-projections formed of a truncated cone or cylinder shape. The Examiner contends that Hasegawa’s micro-projections (119) and the projections (3) of Amano are analogous in that they both retain fluid. The

Examiner concluded that it would have been obvious to a person of ordinary skill in the art to provide the micro-projections (119) with a truncated cone or cylinder shape. (Answer 3-5).

Appellants contend that the Examiner has erred in the comparison of the components of Hasegawa and Amano. Appellants contend that the fact that both of these elements are formed to retain fluid does not render obvious the modification of the meshes (119) of Hasegawa to the shape of the projections (3) of Amano. Appellants contend that Hasegawa's mesh of micro-projections (119), formed on projections (111), are stripes which are triangular in cross-section. On the other hand, Amano discloses a single square-shaped printing relief portion (2) with series of truncated cone-shaped projections (3) formed thereon. No micro-projections are distributed on top faces of projections (3). Appellants contend that if the meshes (119) of Hasegawa were instead formed in the same way as the minute projections (3) of Amano, a color filter would be formed as a uniform line corresponding to the whole area of the meshes (119), similarly to Amano. (App. Br. 5-7; Reply Br. 2-3).

We have thoroughly reviewed each of Appellants' arguments for patentability. However, we find that the Examiner's rejection is well founded and supported by the evidence relied upon. Accordingly, we will sustain the Examiner's rejection for the reasons set forth in the Answer.

Hasegawa discloses the shape of the micro-projections (119) can vary. (Hasegawa [0059]). As found by the Examiner, Amano teaches that it is well known in the art to have a layer forming relief including micro-projections formed of a truncated cone or cylinder shape. Appellants

acknowledge that the micro-projections (119) of Hasegawa and the projections (3) of Amano are analogous in that they both retain fluid. (Reply Br. 2). Thus, the Examiner reasonably concluded it would have been obvious to a person of ordinary skill in the art to provide the micro-projections (119) with a truncated cone or cylinder shape.

Appellants' arguments that the fabrication techniques utilized by Hasegawa are not suitable for formation of a projection (111) having truncated cone or cylinder shape micro-projections (119) are not persuasive. (Reply Br. 2-3). Hasegawa discloses that the shape of the micro-projections (119) can vary. Thus, a person of ordinary skill in the art would have been motivated to change the shape of the micro-projections. Further, the claimed invention is not limited to the method of fabrication. Also, we note that Appellants cite no evidence of unexpected results with respect to reliefs within the scope of the appealed claims.

ORDER

The rejection of claims 1-4 under 35 USC §103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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sld

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